

## S.787 Clean Water Restoration Act

*A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States\*.*

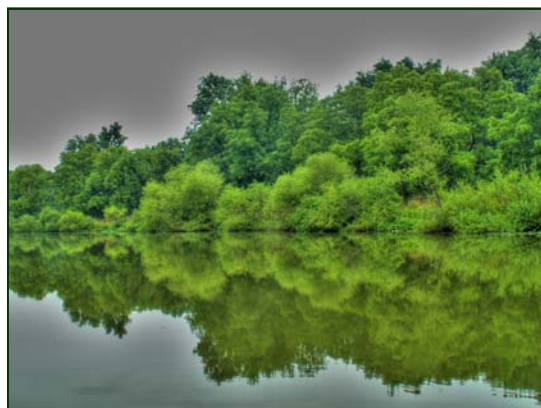
### Clean Water Restoration Act

One of the goals of TPI is to bring important issues to your attention in a timely manner. Such is the case with senate bill S.787 currently under consideration. Letters mailed by constituents directly to their Senators are much more effective because they represent "their" people's issues and also get the votes from their home state.

The U.S. Senate is preparing to consider S. 787, the Clean Water Restoration Act some time this summer or early fall. This legislation would dramatically alter the Clean Water Act by granting the Environmental Protection Agency and the U.S. Army Corps of Engineers extraordinary regulatory authority over federal and state waters. Under the bill, the federal government would have the power to regulate the "waters of the U.S.," an expansive term that includes every stream, creek, pond, ditch and wet spot in the country.

Moreover, the bill could require farmers and landowners to obtain Clean Water Act permits to perform routine land use activities. CWA permits are costly and time consuming to secure.

S. 787 is currently pending in the Senate Environment and Public Works Committee, which has legislative jurisdiction over environmental issues. The Committee could bring up the bill for consideration at any time. If the Committee approves the bill, it will move on to the full Senate.



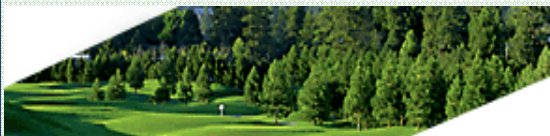
\* **WATERS OF THE UNITED STATES** - The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intra-state waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.



**NOTE:** On the following page you will find a sample letter that you can personalize and send to your state senator.

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## S.787 Clean Water Restoration Act—Cont'd from page 1



The North Carolina Farm Bureau strongly opposes the bill. The following is a sample letter suggesting how you can address this important issue by writing to your state senator,

Dear Senator:

As a farmer, I am writing to express my opposition to S. 787, the so-called Clean Water Restoration Act and to urge you to vote against this measure should it come up for a vote.

Supporters of S. 787 claim the measure would restore Congress' original intent regarding federal authority to regulate water. However, the bill is really designed to expand the authority of the U.S. Army Corps of Engineers and the EPA beyond what is reasonable. When Congress enacted the Clean Water Act, it used the phrase "navigable waters" to limit the federal government's power to regulate water. In contrast, S. 787 would strike this important term from the CWA statute and replace it with the expansive term "all waters of the U.S."

If S. 787 is enacted, the results would be severe for *(insert your state's name)* farm families. Farmers and landowners would be required to obtain permits for activities like moving equipment from field to field and placing a culvert in a ditch. Obtaining a CWA permit is time consuming and costly. The bill would also jeopardize several long standing CWA regulatory exemptions for prior converted cropland and waste treatment ponds. Finally, the bill would create a disincentive for farmers and landowners to implement good conservation practices, increase litigation and the influence of government bureaucracy.

Farmers believe protecting *(insert the name of your state)* waterways and drinking water is important, but we know there is a big difference between "navigable" and "all" in water policy. S. 787 would completely overhaul the Clean Water Act and give the federal government unprecedented authority to regulate private property and land use decisions. Therefore, I urge you to oppose S. 787 should you have an opportunity to vote on the bill this year.

Thank you for your work on behalf of farmers. I look forward to hearing from you soon.

Sincerely,

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